

Public Hearing
November 27, 2007
Des Moines, Iowa

Chris Spoelstra: Iowa DNR Use Assessment Hearings Public Hearing, November 27, 2007

Susan Heathcote: I'm Susan Heathcote, and I'm the Water Program Director for the Iowa Environmental Council, and first off, I would, want to recognize the fact that the new use designations are a big improvement for the state of Iowa and that we're real excited about the protections that this is going to provide and I know the point-source folks are the ones that are most impacted by this, but the use designations really do apply to the water bodies themselves and it's the implementation of those use designations through your permits that is what's affecting the point-sources and it's not that they don't apply to all pollution sources including those non-regulated non-point-source pollution sources. So our hope is that we will come to grips with the total, we're after cleaner water and that means we have to address both the point-sources and the non-point sources. The primary concerns that we have with some of the use attainability analysis is more focused on the recreational use designations and again has been pointed today, I mean the impact of the change between A1 and A2 is fairly minor for the point-source regulated community but it can have some pretty significant impact for the recreational support given the higher level of protection that comes with it, either an A1 recreational contact designation or an A3 which is the children's play. And so our focus has been on making sure that the designations that are being proposed accurately reflect the kinds of uses that are occurring in the water bodies themselves. And we've been again, don't have the resources that the state Department of Natural Resources to go out and survey all of these sites, this is a huge undertaking for the Department with all of their staff and resources for our small non-profit like Iowa Environmental Council, it's not possible for us to go out and actually, physically check all of these sites. But fortunately, the Department has done a pretty good job of documenting what they saw at the sites that they actually visited. And we have undertaken some review of those UAAs to take a look at the data and to make some comments based on general information that's available to us, both from the Department's Use Attainability Analysis' and also looking at other sources available from the Watershed Atlas that the Department of Natural Resources maintains that gives a lot of information about public use areas. Other readily available documentation about public use areas and you know, the web itself where you can google public use area and see what information is available about the type of recreational uses that are occurring there. And of course we're just beginning our process of actually reviewing UAA's but I thought it might be helpful just to share a couple of examples of what we're finding when we look at that; and again we're focusing in these two examples on these, they're not the Mississippi River and it's not the little effluent created stream here, these are middle sized rivers, large creeks, small rivers, seasonal recreational uses are probably different, high flow during the spring where you may see canoeing and kayaking occurring, low flow during the late summer you might see kids splashing around. So it's not a one size fits all kind of use designation, these middle rivers have a very fit in between those two extremes and they have a varied recreational use. Because we're in Des Moines, I thought I'd share with you some of the information that we gathered on the South Skunk River, the South Skunk River in Story County is designated for A1, primary contact recreation and then South of I80 in Jasper County it's also designated for A1, primary contact recreation, but there's a relatively small segment there that goes through Hulin in the Northern Park of Jasper County that is recommended for A2, secondary contact recreation. And again the importance there is the secondary contact recreation is just this accidental or incidental contact with the water, whereas the primary contact recreation protects for full body contact; a lot more protection for people who might be actually getting into the water. The South Skunk River in this section actually flows through a fairly major recreational area the Chickakwa River Bottom and also near the Chickakwa Valley Trail so there is quite a bit of recreational activities going on in the proximity of the South Skunk River and in addition, this section of the South Skunk River flows adjacent to the city of Colfax which has a population of about two thousand people. In each of the sites that were assessed for recreational use, the Department found evidence of recreational uses and so

obviously this is, the stream is getting recreational uses and of course the Department is recommending A2 recreational use. The question that we had does, are A1 or A3 recreational use also occurring? The Skunk River Paddlers, probably know this section of the river better than anyone that I'm aware of, and if you go to their website they indicate that it is a great area to explore by canoe. So definitely they are canoeing down through that stretch of the river. The stream is in the proximity of Colfax, and again it is very accessible to people living in the community and I would expect there's probably a good chance that children living in Colfax are playing in the South Skunk River, especially during the low flow time when it might be very inviting and accessible and sand bars would be exposed, etcetera. There's not anything documented in the Use Attainability Analysis to obtain information from people who live in the town of Colfax and we are very hopeful that we'll get that outreach before we make a final decision because we think it's very important to have that local information that only the people living in the town of Colfax probably have access to. There's no website about those sites where kids might go and splash around in, in the river. So we're really concerned that that hasn't occurred yet and hope that that will occur before we close the books on this Use Attainability Analysis. One of the concerns that we had in particular about the use of the flow and the depth of the water is being the primary consideration for determining whether or not A1 or A2 is occurring is of course, you have to look at when you go out and do the assessment. And Adam mentioned the fact that they do go out primarily during the low flow time and of course you know, one year is different than the next year. I mean we've had a lot of rain this fall that's been unusual, but in 2006 on September 12 of 2006 when they did the assessment of this area, the flow was lower than normal for that time of year. Of the USGS gage measured fourteen cfs on that day and the historic median flow on that day is thirty cfs so more than twice the flow of the time they did the assessment. And then the mean flow for the South Skunk River in September is a one hundred and sixty-six cfs. So again, using that as a primary means of distinguishing between the A1 and A2 is really dependent upon whether or not you're looking at the flow at the time that the recreational uses are most likely to occur and we have concerns about doing just one visit in a situation like this. The West Nishnabotna River just not as close to Des Moines, but it's one that we looked at that we had some of our concerns about. There's quite a long stretch of the West Nishnabotna River that's recommended for A2 use and in fact it's over a hundred miles of stream that is all being recommended for A2 recreational use. The West Nishnabotna flows through Carroll, Crawford, Fremont, Mills, Pottawattamie, and Shelby counties, it flows through or near the city of Manning, the city of Harlan, the city of Oboka, the city of Hancock, the city of Oakland, through the Great Western Park Recreational Area, the Nishna Band Recreational Area and the Botna Band Recreational Area. It's not surprising given this that the Department found evidence of recreational uses everywhere they looked. They are recommending an A2 recreational designation, our concern is that it seems unlikely that nowhere along that over a hundred miles we don't have children's recreational use occurring and we also believe that there are areas along that hundred miles where we have primary contact recreational use occurring as well. In fact, one of the sites the Department found a rope swing over the river. The Department characterized that as older rope swing, and I don't know whether to implication was that the water used to be higher and people used to jump into the river with that rope swing and now it's not? I don't think we've had that big of a change, but clearly that is pretty important piece of information. Near the rope swing they found a kid's fort. This looks like to me, most likely an area where kids play was probably occurring at a fairly common use. The West Nishnabotna is also a featured river in the Polk Paddling Iowa, and it lists it as having nice sand bars for stopping to splash around. I don't know exactly who's doing the splashing but I'm guessing it would include adults and children and so I think that's something that requires a great deal more investigation before you determine whether or not A1 or A2 use should be, is the attainable, highest attainable use there. The Pottawattamie County Conservation Board actually provides canoes and kayaks for interested users, so again this is something that the county conservation boards are supporting and promoting. The board's river journeys on the West Nishnabotna River provide what they characterize as peaceful and relaxation so this is something that is something being promoted and I would expect uses are not only there existing today but they're probably going to be increasing in additional people being attracted to this area and it's an important part of the

economic development, tourism that might be important to this area. I think the guaranteeing or trying to provide the safest water quality for that type of recreation is an important part of the package there. So the problem on the flow is again the same for the South Skunk River, the date they did this assessment on April 20, 2006 the nearest field gage measure a hundred and twenty cfs, the historical median flow for that date is nearly twice as high at two hundred and twenty one cfs and the mean flow is five hundred and sixty cfs. So clearly if you're gonna use flow and depth as your criteria for deciding what the use, what use is attainable, you have to look at the variability of the flow of when you're out there and we have great concerns that in many of these cases we're not looking at the, they're doing the assessment at the time that the recreation is most likely to be occurring. And we're continuing to review these and there are a number of others that we will be submitting written comments on but I just wanted to give you just a little bit of a flavor of what we're finding and what some of the concerns are. And the importance of this I think that the State of Iowa as we look at economic development in our rural areas and our rivers really being our resource that could really provide a lot of that tourism, that economic development and that quality of life that we all really value in the State of Iowa. And the water quality is a part of that we need to recognize and we do support that.

Jim Redemske: Jim Redemske with the City of Clarion, Public Works Director. And you know I listened to this lady talk about whether or not the classifications of the streams or the uses were proper in that there was possible recreation in areas. We discharge into a drainage ditch which basically has about twelve to fourteen foot, very steep sides the only means of egress into that is off a bridge and I've got to tell you in my mind falling off a bridge twenty feet into nine inches of water, ingesting it is not going to be your problem. I've already mentioned earlier that I think in our case if we decide to hold that water for three months into that drainage district so it does not discharge into the ditch at all, the fish that are there in pools will die so we've not solved the problems. You know I think we've appeased the people that are not aware of what's going on but I don't think we've solved the problem. In my mind I think there should be some consideration if there is absolutely no recreation, if there's no way to recreate in a stream that I've created, if it's for example, fenced in, how do you accidentally recreate in that? So I'm thinking there should be some type of consideration. Eagle Creek which is four point six miles away from Clarion, which the drainage district empties into is classified as A2 and BW2, the same as the drainage district, which is fine, I guess I can't dispute that, but I'm wondering how those classifications became the same because Eagle Creek is obviously a much larger body of water simply probably people saying minnows or recreating in that in some way. But I question how they could get into Drainage District two without having a 911 incident. I don't know, I think there has to be some different criteria used for these bodies that are specific and maybe there's a process that we can use to do that. But at this point it looks like we're probably going to have to comply with these standards, based on a statewide average or outlook at the whole thing. I don't know if the DNR would consider looking at specific incidences where many things are different than Eagle Creek or the Des Moines River or the Nishnabotna River, I don't know if we're being very specific or if we're just taking a general look at all the streams and saying gee whiz, they all need to have the same classification. That's my comment.

Bruce Biato: I'm Bruce Biato I'm a homeowners on Diamond Head Lake at Dexter, Iowa and I'd like to speak this morning in reference to Long Branch Creek located in Guthrie County, Iowa. The exact location of the creek from it's beginning there the Municipal Utility Plant to it's joining the South Raccoon River has a major development, Diamond Head Lake just before it empties into the Raccoon River. Diamond Head Lake is a private community with about 275 members of which about 80% are full time residents in the community. And the population of Diamond Head can range from three hundred to over a thousand on holidays and weekends. The lake provides all types of water activities for its members and families and kids, this would include, swimming, boating, tubing, water skiing and fishing. The range in age of users is from tiny tots to those well up in years. The lake has an abundance of fish of high quality in fact the Association spends about two thousand dollars a year to stock the lake with a variety of fish and we know that during high water times many of those fish go into Long Branch Creek and find their way to the Raccoon River system. Now if we look the survey conducted by the

Department, the proposed change to WW2 does not take into consideration the above mentioned water views of Diamond Head Lake. In fact the survey team really skipped over the lake as part of the Long Branch Creek flowage. The survey mentions that the stream above location 4331-a was similar to wetlands caused by the lake. Several years ago the IDNR came into Diamond Head Lake and did an electrical shock survey which revealed several large mouth bass for instance that would have been new state records, wipers, weighing up to fifteen pounds, walleyes twenty-eight inches long and along with a variety of other game fish. At the present survey team conducted an electrical survey of the flowage of Long Branch Creek which is a part of Diamond Head Lake, they would have found the same results. The investments of members and homes and recreational equipment adds millions to the tax base for Guthrie County. I'm sure the county would support measures to see that tax base grow and clean water would be one of those measures. Now when we look at pictures taken of Long Branch Creek in the survey, the picture taken at location 433-id, unnamed creek, shows the effluence coming out of the Stuart Municipal Treatment Plant. This picture shows the surface water that is contaminated and needing additional treatment, that water continues to Diamond Head Lake and on into the Raccoon River and eventually to the Des Moines Water Works Basin. On numerous occasion, this present year, Stuart Municipal Utilities bypassed untreated raw sewage into the Long Branch Creek system, of course that water flows into Diamond Head Lake. Now we understand that the city is under orders to update their treatment plant to provide truer water to the creek flowage. Now we understand that certain segments of Long Branch Creek do not carry a high recreational or aquatic support system. However the segment that comprises Diamond Head Lake supports the highest class rating, WW1 that should be maintained to provide clean water for the recreational use of the lake. Therefore Stuart Municipal Utilities should be under very close scrutiny to upgrade in its plant and treatment of its effluent to assure that Long Branch Creek will be a stream that meets the highest standards for cleanliness and water quality. This will assure the quality of water flowing into Diamond Head Lake and the Raccoon River system. Now can the segment of Long Branch Creek which is designated Diamond Head Lake continue to carry the highest rating water quality, if so, we homeowners and residents of Diamond Head Lake request the Iowa Department of Natural Resources to re-evaluate the stream rating and to assure quality water at the lake and the river. This creek should provide a high quality flowage that would protected for future generations and for the recreational use along that flowage. Thank you.

Steve Veysey: Steve Veysey, I'm representing Iowa Chapter of the Sierra Club, I've given some comments about a previous public hearing so I'm not going to repeat those, but there are some things I wanted to read into the record that I have not commented on before. We had issued a press release about the use designation changes sent out to a hundred and sixty news organizations. And the Department has accused of using scared tactics, so I wanted to comment for the record on that. We stand by our press release which states that sewage that has not been disinfected may contain viruses, parasites and other pathogens that can make people sick with ear infections, typhoid fever, hepatitis, gastroenteritis, dysentery and other illnesses. Pathogens such as fecal coliform and e-coli bacteria are indicators of poor water quality and possible contamination with human or animal waste. Water with elevated levels of fecal coliform and e-coli bacteria are considered unsafe to swim in or for children and adolescents to play in. The second point I wanted to bring up which I don't believe I mentioned in previous comments actually with interest to this gentlemen from Diamond Lake. Historically, game fish use designation was BWW and it carried with it protections for the people who eat the fish they catch, by that I mean where there was a potential for bio-accumulative toxins, heavy metals, pesticides can accumulate in fish tissue the WW designation protected or included limited in permits that protect people who eat the fish they catch. Recently the Department changed WW to WW1 all the streams that previously had been WW became WW1 and carried with it a new designation HH which protects for people who eat the fish they catch. However, the Department has now decided to reverse their historic longstanding policy which has always been where people catch fish we presume they eat it and we protect for people who eat the fish. They've reversed that policy and have separated the parameters that protect the people eating the fish from the aquatic life parameters. So now there's a WW1 that protects the aquatic life

and there's an HH which protects the people who eat the fish. Those are now separate, and they are not giving WW1 streams automatically an HH protection, they have said they do not intend to give Human Health protection to the streams that are new streams that maintain the WW1 status. So I hope the Department will rectify this immediately, this is a serious concern for anyone who has a stream where they catch fish and eat them. Thank you.